

# HABEAS CORPUS OFFERS 6 WEEKS MORE TO BECKER

Will Be His Counsel's Next Resort if Writ of Error Fails.

## CASE MAY CHANGE STATE CONSTITUTION

Move On to Forbid Ex-Prosecutor, as Governor, to Condemn Man He Convicts.

Charles Becker's attorneys are hopeful of extending the condemned man's life through a habeas corpus proceeding, even if the application to the United States Supreme Court for a writ of error, which will probably be made this week, is denied.

Becker's counsel will sue out a writ of habeas corpus through a judge of the United States District Court in this city. Should the petition for the writ not be entertained, the move along this line would end. But in the event that argument on the writ be permitted and the writ denied, an appeal could be taken to the United States Supreme Court. This, it was said yesterday, would operate as a stay.

Inasmuch as the United States Supreme Court does not receive more than six weeks of life from the time the question was decided, immediate action would give him until the middle of November. As most cases consume more than six weeks in consideration, it is quite probable that the former lieutenant would have at least some time in December. However, such a hope is predicated on the fair prospect that the District Court judge would hear argument.

John F. McIntyre said yesterday that prominent lawyers would appear at the Constitutional Convention that there be provision to take care of situations similar to that existing today in the Becker case. They would seek to have the Constitution so amended that when a prosecutor or judicial officer is elevated to the office of Governor, the appeal for executive clemency of a capital offender in such case, the Governor, prosecutor, or at whose trial the Governor presided, shall be referred to the Lieutenant Governor, or, in his absence, to the President of the Senate.

Poughkeepsie, N. Y., July 8.—Governor Whitman, who was here today, disposed of a rumor that he was going to give any further consideration to the Becker case by saying that he had given Becker a reprieve solely that the condemned man might have opportunity to make an appeal to the United States Supreme Court.

A man in the group of persons who gathered around the Governor as he was departing and who had misread the reports of Mr. Whitman's visit to Sing Sing yesterday, remarked that the State Executive had found two hundred empty cells in Sing Sing.

"Well," said the Governor, with a laugh, "I tried my best for five years to keep all the cells occupied."

Mr. Whitman, William A. Orr, his secretary, and Assemblyman F. G. Landon returned to Albany by automobile this afternoon.

# "TACK" HARDWICK WEDS Harvard Athlete Married to Miss Margaret Stone.

Marion, Mass., July 8.—Huntington R. (Tack) Hardwick, Harvard's all-around athlete, who was graduated last month, and Miss Margaret Stone, a Bryn Mawr graduate of last year, and daughter of Mr. and Mrs. Glen L. Stone, of Brookline, were married at noon at the Stone summer estate. The bride was given in marriage by her father. The ceremony was performed by the Rev. William H. Lyon, of the First Parish Church.

## FORGED TO PLAY MARKET

Bookkeeper Admits \$17,500 Check Frauds, Police Say.

Glen S. Brown, a bookkeeper for the American Power and Light Company, of 71 Broadway, pleaded guilty yesterday in the Tombs police court to the charge of forgery. He was accused of having forged two checks, one for \$7,500 and another for \$10,000. According to the police, Brown has made a confession, in which he admits the forgery and blames Wall Street speculation for his crime.

## 5 YOUNG BURGLARS CAUGHT UNDER BED

Zealous Neighbors Almost Spoil Arrest in West Side Home of Broker.

A daring robbery was prevented at the home of Charles Muller, a broker, living at 474 West 141st Street, late last night when Patrolman Thomas J. Webber, a former detective, cornered five young burglars under a bed on the top floor. A woman in the neighborhood, knowing he was a policeman, saw that suspicious looking men had been standing in front of Mr. Muller's house and had disappeared.

Well-meaning neighbors of Mr. Muller's were forcing his way through the scuttles on the roof several men gathered on the tops of adjoining houses. One man was on duty and in plain clothes, was a burglar, that he was prevented from shooting only when reassured by Patrolman Raymond, who guarded the rear of the house.

Webber found the five young men huddled together under a bed in a rear room and forced them out at the point of his revolver. They said that the rest of the number cracked through the coal hole in the sidewalk and made his way through the house to the roof, where he admitted the others through the scuttles. They said they said, had driven them to burglary.

At the Fourth Branch Detective Bureau the prisoners said they were George Kaufman, eighteen, of 522 West 152nd Street; John J. Egan, sixteen, 37 Cent Avenue; Frank Coland, seventeen, 272 West 143rd Street; and Thomas Ryan, eighteen, 214 West 141st Street.

Webber was recently reduced from the grade of detective to that of patrolman. He attracted attention some time ago by arresting Owney Madden, the gang leader recently convicted of complicity in the murder of Patsy Doyle.

## HER RELIEF DEPENDS ON HUSBAND'S DEATH

Back Pay of Street Cleaner Who Disappeared Held from Needy Family.

If John McHugh, formerly a sweeper in the Street Cleaning Department, could be found or could be proved to be dead, his wife, who is living in poverty at 69 Greene Street, Brooklyn, might collect from the city master's office the sum of \$417, her husband's back pay. McHugh disappeared on August 30, 1913, and no trace of him has been obtained since. "We are having a terrible time," said Mrs. McHugh at her home. "My husband disappeared. I have often tried to get him back, but I have been unable to work. I have rheumatism so badly now that I cannot straighten my fingers. My daughter, Elizabeth, is a nurse, but she has been unemployed for over five weeks, and the children have not enough to eat."

A few days ago Mrs. McHugh wrote to the Controller, requesting in an attempt to get her husband's pay. She explained that the children, Joe, aged fourteen, and the baby, Arthur, aged three, were bearing the brunt of misfortune.

## LOSERS \$200,000 RETAINER

Lawyer Made Agreement with Rich Incompetent's Wife.

Francis P. Burns, an attorney, who sought to have the Supreme Court uphold an agreement he claimed to have made with Mrs. Annie K. Walter, wife of the millionaire carpet manufacturer, of Yonkers, who has been declared incompetent, whereby he was to receive 50 per cent of the money she received from her husband's estate, was defeated yesterday.

Justice Page refused to sustain a retainer agreement, which Burns declared entitled him to more than \$200,000. Besides that amount, the lawyer

# A Divorcee for Only a Day, Mrs. Guggenheim Weds Again



Mrs. Grace Bernheimer Guggenheim, divorced on Wednesday from M. Robert Guggenheim and married yesterday to Morton L. Snellenburg, of Philadelphia.

Mrs. Grace Bernheimer Guggenheim, to whom a final divorce was granted Wednesday by Justice Gavegan in the Supreme Court, was married yesterday to Morton L. Snellenburg, of Philadelphia. The ceremony was performed at the Plaza at high noon by the Rev. Dr. Joseph E. Krauskopf, of Philadelphia. The bride is the daughter of Mrs. Jacob S. Bernheimer, of this city, and is twenty-nine years old. She was the plaintiff in the divorce action against her husband, M. Robert Guggenheim, several months ago, and received an interlocutory decree. Following the report of Referee Michael J. Egan, the final decree was granted Wednesday, giving her custody of her two sons, Samuel Guggenheim, 24, and Robert Guggenheim, Jr., 18.

## PATRIOTISM WINS FREEDOM AND JOB

Briton Who Stole Loaf of Bread Goes Back to Serve Country in Shop.

Fred Bell, an Englishman, pleaded guilty yesterday in Special Sessions to entering a store forcibly and stealing a loaf of bread. His story of why he committed the crime so impressed Judge Rosinsky that sentence was suspended, and instead of going to prison Bell will attain his desire to serve Great Britain.

Bell said he came to this country last June after he had been rejected by surgeons of both the army and navy as unfit for service. Hearing of the supposed opportunities in this country of employment in munition factories, he stowed away on the St. Paul. He was unable to get work in munitions or other factories, and returned to this city June 27. He had been without food for three days, he told the judge, when he saw a loaf of bread in a grocery store window. He broke into the store, took the loaf of bread and was walking away when he was arrested.

Claude K. Leger, British Vice-Consul here, heard of his case and he was in court. He took Bell to Pier 39, North River, and booked passage for him on the Lancaster, which sailed for Liverpool. Mr. Leger said he would see that Bell got a job in a munitions factory. Bell said he was thirty-nine years old and came from South Shields.

## Guntions, Nearing 70, Ask Divorce After Ten Years of Wedlock

Former Magazine Publisher, Whose Marital Troubles Figured in Courts, and Ex-Head of Federation of Women's Clubs Have Agreed to Disagree.

Hot Springs, Va., July 8.—Mr. and Mrs. George Guntion have agreed to disagree, although both are nearing the age of seventy years. Their marital affairs have not been before the public since 1906. Now a temporary separation agreement has been signed, pending the preparation of papers which will be served on Mr. Guntion in an action for absolute divorce.

Mrs. Guntion will ask for divorce on grounds of incompatibility of temperaments when the case comes up at the fall session of court at Warm Springs. The couple have been married for ten years, and have decided that they will be happier living their lives apart. Until recently they lived at Guntion Lodge in apparent serenity. Mrs. Guntion said today they had agreed to disagree and that Mr. Guntion had gone to New York. The case will probably be uncontested.

Mrs. Guntion, formerly Rebecca Douglas, was first married to William R. Lowe, who died in the late '90s. They had two children, William Lowe, now in New York, and Reba Lowe, now the Baroness Rosenkrantz, and living in London. Mrs. Lowe held the presidency of the National Federation of Women's Clubs for several years, but following her marriage to George Guntion, owner and publisher of "Guntion's Magazine," both have been out of public life.

# TOOK CASHIER'S WORD ON REPORT, GROUT'S DEFENCE

Verification Impossible, Union Head Says as Witness.

## CONTROLLER'S JOB POOR BANK TRAINING

Financial Matters Left to Deputy While He Attended Board Meetings.

Ex-Controller Edward M. Grout took the stand yesterday in his own defence at his trial for perjury before County Judge Lewis, and a jury in Brooklyn. The indictment charges that he signed a false report of the assets of the Union Bank, of which he was president, in March, 1910.

Under direct examination by Stephen C. Baldwin, Grout admitted that he signed the report mentioned in the indictment and swore to its accuracy, but he added he did it on the representation of others, without having made a thorough personal examination of the books.

"Did you ever attempt to make a thorough inspection of the books of the Union Bank before signing this report?" asked Mr. Baldwin, showing the defendant people's exhibit, No. 22, which is the statement to the State Banking Department of March 25, 1910, to which Grout admitted he added his oath.

"I did not. It would have been physically impossible for me to do so in the ten days allotted me by the Banking Department to make the report. It took the examiners with a large staff of assistants all of one week to make a similar report," replied Grout.

Mr. Baldwin showed the defendant a photograph of an automobile trip through New England. They will live at the Ritz in Philadelphia. The bride's gown was of flesh colored Georgette crepe. Beauty roses. Those present at the ceremony were Mrs. Jacob S. Bernheimer, Mr. and Mrs. Louis Schumacher, Mrs. Harry Nathan, Dr. and Mrs. Joseph Krauskopf, Mr. and Mrs. Bernard S. Gimbel and Samuel Snellenburg.

"I asked Mr. Ashley if the statement was all right, and he said it was," the witness declared. "I then glanced at the 'bills payable' item and remarked to Mr. Ashley that they would give a wrong impression to the Banking Department, as they would indicate that the bank was in a bad way, whereas it was entirely solvent. I took the report and wrote at the head of the printer's copy over 'bills payable,' 'not payable until December, 1910.' I asked Mr. Ashley if that was not correct, and he replied that it was."

Earlier in the trial District Attorney Crosey sought to show that the "bills payable" referred to were demand loans and therefore the words "not payable until December, 1910" constituted a misstatement of fact. Yesterday morning Paul Grout, brother of the defendant, under cross examination by the District Attorney, sought to take the responsibility for his brother's conviction that the loans were not due until December, 1910. He said he told his brother that the loans had been so

cured for six months with privilege of renewal.

Why Grout Became President. Taking up his reasons for assuming the presidency of the bank, Grout said that after the Mechanics and Traders Bank closed its doors, he had been pressed by his friends and by Banking Superintendent Williams to accept. He demurred, because he was a lawyer and not a banker, and was inexperienced. He also pointed out to friends that the step would be financially unfavorable, but despite all, he said, he accepted in the face of opposition of his brother and his law partner.

That being Controller of New York does not fit a man for the head of a bank was indicated by Grout's testimony that his principal duties as Controller were attending meetings of the Board of Estimate. The actual work of dealing with banks and the institutions that handle the city's money, he said, was left to the Deputy Controller. The duties of Controller were not identical with those of a bank president, he said.

The witness told how he lost prestige as a practicing lawyer when he became Borough President of Brooklyn. During 1906-'07 and 1908, he said his law income was less than \$45,000 a year. Between 1909 and 1910, while he was President of the Union Bank, the witness said, his income from his practice dropped to \$33,000, and later to \$22,000. Among the character witnesses who testified for Grout yesterday were George McAneny, President of the Board of Aldermen; Michael J. Drummond, former Commissioner of Charities, and Thomas F. Mulry, president of the Emigrant Industrial Savings Bank. The defendant will continue on the stand to-day.

## BLACK HAND LAD TRAPPED; WEEPS

Sent Many Death Threat Demands for Money to Merchant in Same House.

A fertile imagination, coupled with the ability to write perfectly good Black Hand letters, landed twelve-year-old Joseph Clemente, of 251 West Twenty-ninth Street, in jail last night after he had caused Nathan Tsoutsos, an oil merchant of the same address, several sleepless nights.

According to Tsoutsos, Joseph has been trying to extort \$50 from him through the agency of threatening letters, decorated with sketches of striking snakes, daggers dripping blood, deaths' heads and other prime examples of the Black Hand school of art. Two weeks ago the oil merchant received a note which said: "You will kindly leave \$50 in your letter box if you value your life."

Then Joseph penned the following: "You have failed. If you do not put \$50 in the letter-box on Monday night you will be a dead man on Tuesday."

Tsoutsos wasn't a dead man on Tuesday, but on the following Thursday he received another communication. "I was out of town and couldn't get the money. I will give you until Saturday to put the money in the box. If you fail my name it is Rashed."

Still Tsoutsos refused to give the money, and more notes arrived. At last he began to worry, and appealed to the police. Detectives of the Third Branch Bureau planted a letter in his mailbox and then awaited developments, and Joseph was trapped. He wept and confessed.

When his mother, Francesca Clemente, hurried him out, Joseph knew that all his real troubles lay before him. His parent marched him from the courtroom with a determined gleam in her eye.

# GREENHUT CASH OFFER ACCEPTED BY INDEPENDENTS

As a Body They Will Waive Further Action—Individuals May Sue.

## 27 1/2 CENTS IS BASIS, WITH THREE OPTIONS

Choices Include Two of 12 1/2 Cash and Rest in Stock—Third a Stock Offer.

The deadlock between J. B. Greenhut and attorneys for the creditors of his bankrupt firm was broken yesterday, when he announced that though he was willing to pay 27 1/2 cents on the dollar he would no longer cling to the hope that thereby he could obtain agreements from every creditor that he would not be subject to individual suits because of an alleged overestimate of assets to the tune of about \$3,000,000 in one of his statements.

This announcement that Captain Greenhut was ready to face the music came as attorneys for the creditors announced after weeks of discussion and dickerings they had agreed on a plan of reorganization. This plan involves the payment of 27 1/2 cents on the dollar to the creditors and includes three options.

Attorneys for the creditors and Greenhut will issue to-day official statements in the case. Because of this fact none of the attorneys attending the meeting before Referee Olney in the Merchants' Association quarters in the Woolworth Building would discuss the case further.

Later it was learned that the committee of independent creditors had accepted one of the three options, by which they would receive 27 1/2 cents on the dollar. At a meeting held yesterday they decided that if such a compensation was given them in cash, but not in the stock of the reorganized company, they would favor the plan.

The options submitted by Captain Greenhut in behalf of the bankrupt firm are:

First. Twelve and one-half per cent cash and balance in first and second preferred and common stock.

Second. Fifty per cent in first and second preferred and 50 per cent in common stock.

Third. Twelve and one-half per cent cash and 15 per cent cash for first preferred stock to be taken by a holding company.

These options mean that a creditor may get 27 1/2 per cent for his claims and close his account, or he may take stock. It is the first of the alternatives that the majority of the creditors are determined to accept.

As a concession for this cash return the independent creditors have agreed that as a body they would waive any action against the Greenhuts for the remainder of their claims, but could not speak for individual creditors, who might feel inclined to institute proceedings to recover on their claims in

full on the ground of the alleged false financial statement. The hearing scheduled for yesterday and postponed until Tuesday was to have concerned a decree for the sale of assets in the Greenhut store. Attorney Rosenberg in pleading for an adjournment, which Referee Olney at first would not grant, said that it was in the interests and at the request of every attorney retained in the proceedings that there be such an adjournment. He promised that the decree would be so worded when presented Tuesday that outsiders would be able to bid.



Suits in this Sale only run from 32 to 35 chest. Yet over 2500 suits were marked down in these four sizes (32, 33, 34, 35).

For any man who wears these slim sizes—it's interesting to realize that so far as he is concerned these 2500 are equivalent to a markdown of about 25,000 suits spread over the whole range of men's sizes.

\$12.50, \$15.00 and \$20.00 are the bargain prices.

Bargain handkerchiefs are worth pocketing! Especially now when the world's fields of flax are the hot beds of war.

Mostly plain whites. 2367 are 35c. values. 7240 are 50c. values. 900 are 75c. values. 25c. to-day.

4940 Wash scarfs. 50c. values. 25c. to-day.

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